

**Ravalli County Planning Board  
Meeting Minutes for April 16, 2008  
3:00 p.m.  
Commissioners Meeting Room, 215 S. 4<sup>th</sup> Street, Hamilton, Montana**

**Public Meeting**

Morado Mountain Estates (Morado Mountain Estates, LLC) Major Subdivision and One Variance  
Sandhill Ridge (Big Sky Development Group, LLC) Major Subdivision and One Variance  
Orchard Hills Estates (Wil-Rock, LLC) Major Subdivision  
Riverside Meadows (Norgaard) Major Subdivision

*This is a summary of the meeting, not a verbatim transcript. A CD of the meeting  
may be purchased from the Planning Department for \$5.00.*

**1. Call to order**

**Lee** called the meeting to order at 3:09 p.m.

**2. Roll Call** (See Attachment A, Roll Call Sheet)

**(A) Members**

Mary Lee Bailey (present)  
Dale Brown (present)  
John Carbin (present)  
Jim Dawson (present for the Morado Mountain Estates Discussion and vote)  
Ben Hillicoss (present)  
Dan Huls (excused)  
JR Iman (present)  
Lee Kierig (present)  
Chip Pigman (present)  
Les Rutledge (present)  
Jan Wisniewski (present)

Park Board Representative: Bob Cron (present)

**(B) Staff**

Renee Lemon  
Kimberli Conder

**3. Approval of Minutes**

**Lee** asked if there were any corrections or additions to the minutes from March 5, 2008.  
There was one minor change but the minutes were approved with the change included.

4. **Amendments to the Agenda**

**John** rescheduled the Riverside Meadows meeting for the April 23, 2008 Planning Board Meeting. Also, after Board discussion, Lee let the developers of the Orchard Hills Estates know that their subdivision would not get evaluated until next week at the Planning Board meeting.

5. **Correspondence**

There was none.

6. **Disclosure of Possible/Perceived Conflicts**

There were none.

7. **Public Meeting**

**(A) Morado Mountain Estates (Morado Mountain Estates, LLC) Major Subdivision and One Variance Request.**

**(i) Staff Report on the Subdivision**

**Renee** gave the staff report stating that the Planning Department recommends that the variance request from Sections 5-4-5(a) and (b) (4) of the Ravalli County Subdivision Regulations be approved, based on the findings of fact and conclusions of law in the staff report, and subject to the conditions of the staff report. When the Prerequisites to Approval (Section 3-2-8(a)) have been met, Planning Staff recommends that the Morado Mountain Estates Major Subdivision be denied based on the road design that will have significant negative impacts on local services, and public health and safety that have not been mitigated. (See Attachment B, Morado Mountain Estates Draft Staff Report for Planning Board)

**Bob** asked if Granite Creek Road. is a gravel road.

**Renee** said that right now it is but the applicant will improve the road to meet county standards in the second phase of this project.

**Lee** asked what the estimated cost of labor would be to the county for the improvements to Eight Mile Creek Road.

**Renee** stated that the Road Department has agreed provide labor but there is no information from the Road Department on the cost of labor.

**(ii) Presentation by Subdivider's Representative**

**Stacey Dykeman** is one of the subdividers of the property. She explained her thoughts on the project. Her dream is to build the homes in the subdivision. This is why she bought this land. She wants to have green homes in this subdivision. The guidelines of the green homes will be in the covenants. For mitigation, she is offering \$100 per lot to mitigate impacts on agriculture, \$75 per lot to mitigate impacts on police and emergency services (this will be in the HOA fees), \$1500 per lot upon conveyance to mitigate impacts on the school district, and \$900 per lot to parks.

**Terry Forest**, the subdivider's representative, stated that they are proposing an emergency only exit so that there is more than one entrance and exit in case of emergency. Residents can only fence 1/3 of their acreage which means that 88% of the entire site is unfenced. They will widen some of the trails for switchbacks and there will be a 10 foot wide easement along the east side of the internal roads. Phase I will be 11 lots. Phase II will consist of the remaining lots. The developer is going to upgrade electric lines maintained by the Ravalli Electric Cooperative.

**Ben** asked if the utility lines would be underground in Phase II and Phase I.

**Terry** stated that they are proposing the lines to be underground, if possible. Ravalli Electric Cooperative will determine whether the lines will be overhead or buried.

**Mary Lee** asked about road grades.

**Terry** said they are less than 10% .

**Mike Hollis** from ERG in Missoula, MT stated that the fencing is limited so wildlife is not impacted as much. Elk habitat covers about 41% of private land in Ravalli County. Morado has desirable slope, absence of disturbance, and it is well connected to other suitable winter range.

**Adam Perrine** is a Hydrologist for Geomatrix. They did a 24 hour pump test of wells. There was 10 gallons per minute over the 24 hours.

**Lee** asked how deep the well was.

**Adam** stated that it was about 300 feet deep. To put the pumping rate into perspective he said that 1,759 gallons per day were needed for this subdivision and at this rate it would pump 14,000 gallons per day. This well alone would suffice for 8 houses at least. He said that they expect they will have to drill one more at the far end.

**Les** asked if water is going to be a problem for the first phase.

**Adam** said that they expect to be able to find water with no problem.

**Les** asked about drainfields.

**Adam** said that they do not expect any issues with drainfields.

**JR** stated that he wanted to make sure he understood what was being said. He said that the well was penetrated in three different areas.

**Adam** answered yes.

**Jim** said that he did not see that any modeling was done for what it would look like for the 58 lots.

**Adam** answered that it has not been done yet.

**Edward or Marion McHatton** is the owner of the land around this area and the current seller of this property. Water rights are in the name of Eight Mile Creek Company. When the property was purchased there were no water rights. This land has not been farmed in 5 years because it is not profitable, so they could not find anyone to farm it.

**JR** asked if he had papers from the Eight Mile Creek Company stating this.

**Ed** stated that he will get a letter from Eight Mile Creek Company stating that water was never granted and a letter from the DNRC also.

**Terry** noted the letter from Steve Sargent in the subdivision application regarding emergency services for the record.

**Bill Buzzel**, the previous undersheriff for Ravalli County, stated that the distance to Hidden Valley Ranch substation would be 2.6 miles. He also said that the road design would not impact emergency vehicle access.

**Les** said that we all know the staffing issue of the police. He said that he is concerned with response time out there. He sees this to be a very serious problem.

**Bill** said that he agrees. The sheriff has limited resources but that is based on the BCC.

**Ben** said that the plan is to replace the station in the center of Florence. He asked if anyone knew when the substation, on Hidden Valley Road North, was going to be built. He discussed his membership to the Florence Volunteer Fire Department and he stated that he has not seen any plans of that substation.

**Terry** noted that the covenants warn future residents that this is a rural area with bad emergency response times.

**Bill VanCanagan**, attorney for the developer, stated that part of the problem is the proportion that the developer has to take upon themselves. He noted the issues with requiring one developer to improve Eight Mile Creek Road, and how all the groups needed to work together to avert a lawsuit.

(iii) Acceptance of written public comments to transmit to the Ravalli County Commissioners, and a brief explanation of effective ways for the public to comment on subdivision proposal.

There were none.

(iv) Planning Board deliberation and recommendation on the subdivision proposal.

**Ben** asked for clarification on the variance.

**Renee** stated that they are going to improve Granite Creek to meet county standards but are requesting the variance from improving Eight Mile Creek Road to meet the road standards for new construction.

**Ben** motioned to deny the variance because it is not clear where the money for the county to provide labor is coming from and because the width (22 foot east / west and 24 foot north/south) is not sufficient.

**Mary Lee** seconded the motion.

**Chip** said that David said he would be able to provide the labor within the current budget cycle. The county Road Supervisor is recommending the project, so Chip could not understand why this is an issue.

**Renee** said to refer to Exhibit A23 of the Staff Report for correspondence from David.

**Dale** said that everyone wants to know where the county is getting the money. If the County has agreed then it will have a way of working out.

**Paul Wilson** said that the county money will come from the Florence area grader district pro-rata from previously approved subdivisions.

**Lee** stated that all of this tends to be unclear right now because we have no idea where the Commissioners stand on any of this.

**Ben** asked if the variance had to do with money or road standards.

**Bill** stated that it is both. This is a win/win situation for everyone involved. This is the type of solution that adds integrity to this process.

**Lee** noted that David Ohnstad, County Road Supervisor, just walked into the meeting. He then asked if in fact these things were negotiated.

**David** stated that yes these are county-maintained roads and that what has been presented to the Planning Board is what he is recommending.

**The vote was called; the members voted (6-4) to approve the motion to deny the variance.**

**Renee** said that because the variance was denied this application is no longer sufficient because there are no road plans for constructing Eight Mile Creek Road to meet the road standards for new construction.

(v) Planning Board deliberation and recommendation on the subdivision.

**Dale** moved to approve the subdivision based on the findings of fact in the staff report and the additional information submitted by the applicant, mitigation proposed by the applicant, the lack of comments from emergency services, the previous undersheriff experience, the fact that the County Road Supervisor recommends the proposal, and that the roads meet county standards.

**Chip** seconded the motion.

**Lee** opened the floor up for discussion and read a prepared written statement.

**Jan** stated that he thinks the developers are in line with all the standards. Eight Mile Creek Road is going to have to be redone at some point and I think this is a great way to get it done.

**Jim** stated that he has not seen anything in the application regarding wastewater or groundwater development. The aquifers up there are discontinuous and this worries me that it may not support the future landowners. Also, the transportation as far as emergency services is worrisome. At the very least I want to see more water studies done on the entire area. He said to call the question.

**Ben** seconded it.

**The vote was called; The motion failed (6-4).**

**Jim Dawson** excused himself from the meeting.

**Ben** motioned to deny the subdivision due to the staff report findings of fact and conclusions, with additional findings: no road connectivity, the emergency access does not mitigate impacts of the road design on local services and public health and safety, the internal roads are too steep, Eight Mile Creek Road is too narrow, services cannot adequately provide for the existing density, there are no impact fees in place to offset the costs of the proposal, there are cumulative impacts, the trail proposal is not adequate, and the potential for fires to affect public health and safety has not been mitigated.

**John** seconded the motion.

**Chip** stated that he questions the board's ability to deny something when it meets the county standards. Density is not in the regulations.

**John** said that future residents are put at risk. Carrying capacity and sustainability need to be considered.

**Les** said that he wants to remind everyone what we, as a board, are supposed to be doing. He referred to section 4.1 and 4.2 of the Growth Policy. For every \$1 taken in, the county spends \$1.50. Knowing that information, I am not sure how we can continue to support these large developments.

**Bob** stated that the Parks Board recommended two different things. First that they would take cash-in-lieu. Second that they would prefer to see a trail built. The Parks Board does not think that the easement provided is a trade off that mitigates for the lack of easement along Eight Mile Creek Road.

**Mary Lee** states that it is a beautiful property and that it would be a privilege to live there, but she is worried about the public health and safety issues.

**Dale** said that it is a well designed subdivision and his only worry is getting the sheriff there.

**JR** stated that the subdivision is offering about \$12,000 per lot. Half of the county's population is located north of Willoughby Lane, so why are there no services up that way. He does not think that the Planning Board's discussion follows the six criteria. He also has water concerns but that is the State's responsibility.

**Lee** stated that this health safety issue is important. This board has a responsibility to bring these issues to the BCC.

**Bill** said he was reminding this board that it is their obligation to pass or deny things based on the evidence.

**The vote was called; The members voted (5-4), to approve the motion to deny the subdivision.**

**(B) Sandhill Ridge (Big Sky Development Group, LLC) Major Subdivision and One Variance.**

(i) Staff Report on the subdivision

**Renee** gave the staff report stating that the Planning Staff recommends approval of the variance request from Sections 5-4-5(a) and (b)(4) of the Ravalli County Subdivision Regulations, based on the findings of fact and conclusions of law in the staff report, and subject to the conditions in the staff report. Staff would recommend conditional approval of the subdivision with mitigating conditions. Condition 14 requires the applicant to provide for a direct road connection to Hidden Valley Road North, which would require evidence that there is legal access, road plans, preliminary approval from the Road Department, and road maintenance agreement(s). Because this condition requires additional information, staff recommends that the application be deemed insufficient.

**JR** disclosed that his son works as a road engineer for WGM Group. He stated that his son is not working on this project and there is no conflict of interest, he just wanted to disclose that information.

(ii) Presentation by Subdivider's Representative

**Kristin Smith** was the representative from the WGM Group. This has been in the works for years now. This subdivision fits into the new green neighborhood. We have left open space, there are parklands, there are non-motorized vehicle rules, and each house must meet Energy Star requirements as well.

**Sharon Rodes**, landscaping service owner, stated that the developer asked for her assistance to come up with some ideas to bring this area "back to life". She worked out a vision for the wildlife. The common areas have all been previously farmed. She was asked to make recommendations on the HOA documents as well.

**Ben** asked how one would go about keeping wildfire from burning right up to their house.

**Sharon** answered that it has to do with continuity of fuels, and choices that the homeowners make regarding structures and landscaping.

**Julie Titchborne**, civil engineer for WGM Group, stated that this project was started so long ago that we did not foresee all the other access issues. DEQ has provided preliminary approval of the wells and wastewater treatment systems.

(iii) Acceptance of written public comments to transmit to the Ravalli County Commissioners, and a brief explanation of effective ways for the public to comment on subdivision proposal.

There were none.

(iv) Planning Board deliberation and recommendation on the one variance request.

**Ben** motioned to deny the variance because it is not clear where the money for the county to make improvements is coming from and because the surface width of 22 feet on east/west sides and 24 feet on the north/south side is not sufficient.

**Mary Lee** seconded the motion.

**The vote was called; the members voted (5-4), to approve the motion to deny the variance.**

(v) Planning Board deliberation and recommendation on the subdivision proposal.

**Ben** made the motion to deny the subdivision based on the following findings: the applicant should propose and construct an emergency access from the internal subdivision road connecting directly to Hidden Valley Road North, impacts on Eight Mile Creek Road and Eastside Highway have not been mitigated, the internal cul-de-sac roads do not provide for easy access, emergency services cannot provide adequate service to this subdivision, the proposal is too dense, and the distance to jobs in Missoula is too long.

**Mary Lee** seconded the motion.

**Renee** recommended that the Planning Board craft findings based on facts.

**Ben** stated that the existing infrastructure would not support this subdivision causing negative impacts on local services. The effect of impact fees needs to be clarified. The proposal to improve Eight Mile Creek Road will not not mitigate impacts on public health and safety. The fire department will not be able to respond adequately without impact fees or another source of revenue.

**Dale** asked that if this is such an issue why did this board approve Remington Ridge.

**Ben** said that it was approved but the system is just simply overwhelmed at this point.

**Bob** said that for the record, the Parks Board is very happy with the proposal. The Board is happy to accept both Parks 1 and 2. He also said that it is not reasonable to make these people make improvements to Hidden Valley North Road North route.

**Chip** said that this process should not be about social engineering. This is a waste of time. We are not being consistent and subsequently are using this process for personal uses. If we, as a board, do not agree with the BCC then we need to make that point with them and stop taking it out on the developers.

**Lee** said this is a health and public safety issue, nothing else.

**Mary Lee** motioned to call the question.

**Dale** seconded.



**The vote was called, the members voted (5-4), to approve the motion to deny the subdivision.**

**8. Communications from Staff**

There was none.

**9. Communications from Public**

There was none.

**10. Communications from The Board**

There was none.

**11. New Business**

There was none.

**12. Old Business**

There was none.

**13. Next Regularly Scheduled Meeting: April 23, 2008 at 3:00 p.m.**

- (A) Riverside Meadows (Norgaard) Major Subdivision
- (B) Florence Orchard Homes (Solheim) Minor Subdivision and two variance requests
- (C) Orchard Hills Estates (Wil-Rock) Major Subdivison

**14. Adjournment**

Lee adjourned the meeting at 8:05 p.m.